

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

REBECCA H. TREACE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 03-2409 M1/P
	)	
UNUM LIFE INSURANCE COMPANY	)	
OF AMERICA,	)	
	)	
Defendant.	)	

ORDER DENYING MOTION FOR RECONSIDERATION OF SUMMARY JUDGMENT  
MOTION

Before the Court is Defendant's Motion for Reconsideration of its Summary Judgment Motion, filed November 10, 2005. Plaintiff responded in opposition on November 21, 2005. The Court construes Defendant's motion as a motion under Fed. R. Civ. P. 60(b). Defendant, as the party seeking relief, "must show that its case comes within the provisions of the rule." Lewis v. Alexander, 987 F.2d 392, 396 (6th Cir. 1993) (citation omitted).

Under Rule 60(b)(1), a party may seek reconsideration for mistake, inadvertence, surprise, or excusable neglect. Fed. R. Civ. P. 60(b)(1). Deciding a Rule 60(b)(1) motion "is a matter addressed to the sound discretion of the trial court . . . ." Lewis, 987 F.2d at 396. A party may utilize Rule 60(b)(1) to ask the court to reconsider legal error. Dole v. Zeta

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Enterprises, Inc., 940 F.2d 659 (6th Cir. 1991) (citations omitted).

A litigant may also seek reconsideration under Rule 60(b)(6); however, the Sixth Circuit holds that this clause should apply "only in exceptional or extraordinary circumstances which are not addressed by the first five numbered clauses of the Rule." Olle v. Henry & Wright Corp., 910 F.2d 357, 365 (6th Cir. 1990) (citations omitted); see also Ackermann v. United States, 340 U.S. 193 (1950). The rule may only be invoked where "unusual and extreme situations where principles of equity mandate relief." Id. (emphasis in original).

Defendant has not met the standard for reconsideration under either section of Rule 60(b). Here, the "facts [do] not warrant relief from judgment and . . . the motion impermissibly [seeks] to rehash the underlying judgment," both of which are valid reasons to deny a Rule 60(b) motion. See Blachy v. Butcher, 129 Fed. Appx. 173, 179 n.5 (6th Cir. 2005) (citations omitted).

Accordingly, Defendant's motion is DENIED.

So ORDERED this 30 day of November, 2005.

  
\_\_\_\_\_  
JON P. McCALLA  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

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Honorable Jon McCalla  
US DISTRICT COURT